

**REMARKS**

**A.) Allowable Subject Matter**

Applicants would again like to thank the Examiner for indicating that the subject matter of claims 7-10 and 22-25 is allowable.

**B.) The Section 102 Rejections of Claims 1, 4, 12-19, 20 and 27-32**

Claims 1, 4, 12-19, 20 and 27-32 were rejected under 35 U.S.C. §102(e) as being anticipated by Hrastar et al., U.S. Patent No. 6,286,058 ("Hrastar"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present application includes the feature of establishing an IP tunnel to an endpoint using an alternative or secondary IP address. Applicants note the Examiner's acknowledgement that Hrastar does not disclose the establishment of such an IP tunnel to an endpoint using an alternative/secondary IP address.

Because Hrastar does not disclose each element of the claims of the present invention Hrastar cannot anticipate these claims. Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1, 4, 12-19, 20 and 27-32.

**C.) The Section 103 Rejections of Claims 13,15, 28 and 30**

Claims 13, 15, 28 and 30 appear to have been rejected under 35 U. S.C. §103(a) based on Hrastar. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, the Applicants note that other than state the rejections, the Examiner has not provided any rationale for the rejections. Accordingly, the Applicants submit that the Examiner has not set forth a *prima facie* case of obviousness under §103(a). Accordingly, the Applicants request withdrawal of the rejections.

The Applicants further note that claims 13,15, 28 and 30 have been cancelled, their subject matter having been incorporated into their respective independent claim.

**D. The Section 103 Rejections of Claims 2, 5, 19 and 21**

Claims 2, 5, 19 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hrastar in view Nordman, U.S. Patent No. 6,061,346 ("Nordman"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Applicants respectfully submit that the combination of Hrastar and Nordman is impermissible because such a combination requires either one or both of these references to change their principle of operation, which is impermissible (MPEP 2143.01). For example, Hrastar is directed to a CATV system while Nordman is directed to a wireless system. Either Hrastar's principle of operation would have to be changed so that it would be compatible with the wireless system of Nordman or Nordman's wireless system would have to be changed to be compatible with the CATV system of Hrastar. Either is impermissible.

In the Office Action (page 6) the Examiner's states his disagreement with the Applicant's position. In explaining his position the Examiner states that the combination of Hrastar and Nordman is permissible because both are "directed to routing data in a network". The Applicants respectfully submit that this is not a sufficient basis for combining the two references. Regardless of the words used to, broadly speaking, characterize the references the fact remains that one skilled in the art would recognize that such a combination would indeed require one or both of the references to change their principle of operation. This is impermissible as noted above.

Accordingly, Applicants respectfully request withdrawal of the pending rejections.

The Applicants further note that claims 2, 5, 19 and 21 have been previously cancelled, their subject matter having been incorporated into their respective independent claim.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

**CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.**

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